



UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/323,636	06/01/99	BARRY	J 8688,6808

MM12/1210
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EXAMINER

LEE, Y

ART UNIT

PAPER NUMBER

2875

DATE MAILED:

12/10/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/323,636

Applicant(s)

JAMES E. BARRY

Examiner

Quactt

Group Art Unit

2875

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE Three (3) MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on 6/1/99
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1 to 27 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☒ Claim(s) 1 to 16 is/are allowed.
- ☒ Claim(s) 17 to 27 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
 - ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
 - ☐ received in Application No. (Series Code/Serial Number) _____
 - ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☒ Notice of Reference(s) Cited, PTO-892
- ☒ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

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DETAILED ACTION

Reissue Applications

1. For any error corrected which is not covered by an oath or declaration, i.e., any error corrected after the filing of all declarations currently in the reissue application, applicant **must** submit a supplemental oath or declaration prior to allowance stating "[T]hat every such error arose without any deceptive intention on the part of the applicant" (37 CFR 1.175(b)(1)). See MPEP 1444 for handling supplemental oaths/declarations. It should be noted that a replacement of the specification of June 1, 1999 is required because the words on the left margin of the specification as filed on June 1, 1999 are smeared and not clear.

Claim Rejections - 35 USC § 112

2. Claims 20 and 22 to 25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 20, it is not clear what is meant by "said illumination member **acts** as a turn signal"?

In claims 22 to 25, the language "gasoline tank or body shell" is improper because it is alternative in scope and thereby renders the scope of the claim indefinite.

In claim 22, the language "conventional gasoline tank or body shell" is improper because it is alternative in scope and thereby renders the scope of the claim indefinite.

In claim 23, the orientation for the "front half portion" is not clear. Which way is considered the front?

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 17, 18 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Lansing.

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Lansing shows a body member (26) defined by a front half portion and a back half portion (41, 42), an illumination member (84) associated with the body member, and means (82, 120) for energizing the illumination member.

5. Claims 17, 19 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Tipton.

Tipton shows a body member (10, 31), an illumination member (28) associated with the body member, a portion (23, figure 3) of the body member removed, at least a portion of the illumination member disposed therein, and means (27, 29) for energizing the illumination member.

6. Claims 17 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Udell.

Udell shows a body member (A), and an illumination member (B-B5) such as a turn signal associated with the body member.

7. Claims 22, 23 and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Lansing.

Lansing shows a step of providing a body member (26) in a shape of a body shell, a step of associating an illumination member (84) with a front half portion (41 or 42) of the body member, and a step of providing means (82, 120) for energizing the illumination member.

8. Claims 22, 24 and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Tipton.

Tipton shows a step of providing a body member (10, 31) in a shape of a body shell, a step of associating an illumination member (28) with the body member, a step of removing a portion (23, figure 3) of the body member and disposing at least a portion of the illumination member therein, and a step of providing means (27, 29) for energizing the illumination member.

9. Claims 22 and 25 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Carlson.

10. Claims 26 and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Carlson.

Carlson shows a body member (41) adapted for attaching to a tank (10), an illumination member (44) associated with the body member and illuminating an adjacent area, and this body member is non transparent.

11. Claims 1 to 16 contain allowable subject matters.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Y. Quach whose telephone number is (703) 308-1939. The examiner can normally be reached on Tuesday and Thursday from 8:30 am to 4:30 pm.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.

Y. Q.
November 30, 1999


Y. Quach
Patent Examiner
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